

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

C.I.N. CONSTRUCTION, LLC,

Plaintiff,

v.

HUNT CONSTRUCTION GROUP, INC.,

Defendant.

Civil Action No. 08-5810(SDW)

ORDER

September 17, 2009

WIGENTON, District Judge

This matter comes before the Court on the Report and Recommendation of Judge Madeline Cox Arleo, U.S.M.J., filed on August 20, 2009. In the Report and Recommendation, Judge Arleo considers the arguments made by the parties and recommends denying Defendant Hunt Construction Group, Inc.'s Motion for Summary Judgment as well as denying its request, in the alternative, to transfer this case to the U.S. District Court in Indiana. Judge Arleo further recommends granting Plaintiff C.I.N. Construction, LLC's Motion to Amend the Complaint to add the non-diverse Defendants. Further, Judge Arleo recommends remanding this case *sua sponte* to the Superior Court of New Jersey.

On September 2, 2009, Defendant Hunt filed Objections to the Report and Recommendation.

This Court has reviewed the Report and Recommendation, the Objections, and other documents filed in this case. Based on the foregoing documents, and for good cause shown, it is hereby

ORDERED that the Report and Recommendation filed on August 20, 2009 is **ADOPTED** as the conclusions of law of this Court; and it is further

ORDERED that Defendant's Motion for Summary Judgment and request to transfer this case to the U.S. District Court in Indiana are **DENIED**; and it is further

ORDERED that Plaintiff's Motion to Amend the Complaint to add the non-diverse Defendants is **GRANTED**; and it is further

ORDERED that this case is **REMANDED** to the Superior Court of New Jersey for lack of subject-matter jurisdiction.

S/Susan D. Wigenton, U.S.D.J.

Cc: Madeline Cox Arleo, U.S.M.J.